

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

DAMONAN IRBY

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Criminal No. JFM-14-0511

Civil No. – JFM-17-1412

MEMORANDUM

Damonan Irby has filed a motion under 28 U.S.C. §2255.

Irby's motion will be treated as untimely. It was filed more than one year after the date of imposition of sentence upon him. Irby's position is not based upon the recognition of a new right recognized by the Supreme Court but rather "by decades of prior precedent."

It is also to be noted that Irby's sentence was imposed pursuant to a Rule 11(c)(1)(C) plea agreement.

A separate order denying Irby's motion is being entered herewith.

Date:

Jan 19, 2017

J. Frederick Motz
J. Frederick Motz
United States District Judge

U.S. DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
2017 JUN 19 PM 3:22
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